



**VILLAGE OF GREENPORT – ZONING BOARD OF APPEALS
PUBLIC HEARINGS AND REGULAR MEETING
July 19, 2016 - 6:00 PM
Third Street Firehouse Conference Room**

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PUBLIC HEARINGS

Item # 1. The Public hearing regarding area variances sought by George Liakeas, 610 Main Street, Greenport, NY 11971, SCTM # 1001-3-4-3, has been adjourned until the August 2016 ZBA meeting at the request of the applicant.

Item # 2. Continued public hearing on Area Variances sought by SAKD Holdings LLC, Daniel Pennessi, President.

The property is located on the south east corner of Front Street and Third Street, Greenport, New York 11944, SCTM # 1001-5-4-5.

The variance appeals are listed in the **REGULAR MEETING** section of the agenda under **Item #8**.

REGULAR MEETING

Item # 1. Discussion and possible action for area variances sought by George Liakeas, 610 Main Street, Greenport, NY 11971, SCTM # 1001-3-4-3.

The public hearing has been adjourned until the August 2016 ZBA meeting at the request of the applicant.

Item # 2. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for James Olinkiewicz, 221 Fifth Avenue, SCTM 1001-4.-4-29. The applicant requests several area variances required to subdivide an existing lot and construct a conforming house. This subdivision will create 2 new substandard lots requiring Area variance as follows:

Lot 1:

- The proposed subdivision creates lot 1 which is 6,587 sq. ft. where section 150-12 (A) requires a min. lot size of 7,500 sq. ft., requiring a variance of 913 sq. ft.
- The proposed lot width is 47.82 ft. where section 150-12 (A) requires a min. lot width of 60 ft., requiring a variance of 12.18 ft.

Lot 2:

- The proposed lot width is 52.35 ft. where section 150-12(A) requires a min. lot width of 60 ft., requiring a variance 7.65 ft.
- The proposed combined side yard is 17.9 ft. where section 150-12(A) requires a combine yard setback of 25', requiring a variance of the 7.10 feet.
- The proposed subdivision creates a 5 ft side yard on the north property line, where section 150-12(A) requires a side yard setback of 10', requiring a variance of the 7.10 feet. This Property is not located within the Historic District.

Item # 3. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for James Olinkiewicz, 238 Fifth Ave Greenport Inc., 238 Fifth Avenue, SCTM 1001-4.-8-3. The applicant requests several area variances required to subdivide an existing lot and construct a non-conforming house. This subdivision will create 2 new substandard lots requiring Area variance as follows:

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Lot 1:

- The proposed subdivision creates lot 1 which is 5,389.5 sq. ft. where section 150-12 (A) requires a min. lot size of 7,500 sq. ft., the proposal requires an area variance of 2,110.50 sq. ft.
- The proposed lot width is 50 ft. where section 150-12 (A) requires a min. lot width of 60 ft., requiring an area variance of 10 ft.
- The proposed lot coverage is 37 % (2,024 sq. ft.). Section 150-12 A. of the Village of Greenport Code requires a minimum of 35% lot coverage for a two family house in the R-2 District requiring an area variance of 2% (107.75 sq. ft.).

Lot 2:

- The proposed subdivision creates lot 2 which is 4026 sq. ft. where section 150-12 (A) of the Village of Greenport code requires a min. lot size of 7,500 sq. ft., requiring an area variance of 3,474 sq. ft.
- The proposed lot depth is 50 ft. where section 150-12 (A) requires a min. lot depth of 100 ft. requiring an area variance of 50 ft.
- The proposed cottage is 15 ft. from the front (west) property line, where section 150-12A. of the Village of Greenport code requires a minimum 30' front yard setback; this will require a 15 ft. front yard area variance.
- The proposed cottage is 10 ft. from the rear (east) property line, where section 150-12A. of the Village of Greenport code requires a minimum 30' rear yard setback; this will require a 20 ft. rear yard area variance.
- The proposed 1 story frame house is 800 sq. ft., with 695.5 sq. ft of livable space where section 150A of the Village of Greenport code requires a One Family Dwelling located in the R-2 District to have 1,000 sq. ft. of livable floor area, this will require an area variance of 304.5 sq. ft.

This Property is not located within the Historic District.

Item # 4. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for Bryan Nicholson, a lot East of 217 Monsell Place, SCTM # 1001-2-2-29. The property is located in the R-1 District. The applicant seeks an area variance to obtain a building permit to construct a new single family dwelling with a footprint approx. 979 sq. ft. including a covered entry porch.

Section 150-13E. Existing small lots. A lot, owned individually and separately and separated in ownership from any adjoining tracts of land, which has a total lot area or lot width less than, prescribed in this chapter may be used for a one-family residence, provided that such lot shall be developed in conformity with all applicable district regulations.

(1) The total dimensions of both side yards for a principal building shall be computed on the basis of four-tenths (0.4) of the lot width; however, no side yard dimension shall be less than four-tenths (0.4) of the total dimensions of both side yards computed as aforesaid, and no side yard dimension shall be less than 10 feet.

The proposed house is 5.0 ft. from the east property line, requiring a side yard area variance of 5ft.

Item # 5. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for Svoboda and Bull, 24 Beach Road, SCTM # 1001-3-2-06. The property is located in the R-1 District. The applicant seeks area variances to obtain a building permit to construct an addition to the existing nonconforming building.



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SECTION 150-21. A. Nothing in this Article shall be deemed to prevent normal maintenance and repair, structural alteration, moving, reconstruction or enlargement of a nonconforming building, provided that such action does not increase the degree of or create any new noncompliance with regards to the regulations pertaining to such buildings.

SECTION 150-13 D(3). of the Village of Greenport Code: Existing setback. No proposed one- or two-family dwelling need have a setback greater than the average setback of the two existing dwellings with the greatest setbacks within 200 feet on each side of said proposed dwelling, on the same side of the street and within the same block and the same district.

The proposed reconstruction of the existing house with new 241 sq. ft. of new additions requires an area variance of 2.0 ft. on the South (bulkhead) property line, also recognized as the front yard. The proposed front yard setback is 19.5 ft. where the required front yard setback has been reduced from 30 ft. to 21.5 ft.

SECTION 150-12A. of the Village of Greenport Code requires a 12' side yard setback in the R-1 District.

The proposed reconstruction of the existing house with new 241 sq. ft. of new additions requires an area variance of 4.7 feet on the west property line, recognized as the side yard.

SECTION 150-12A. of the Village of Greenport Code requires a 30' combined side yard setback in the R-1 District.

The proposed combined side yard setback for the reconstruction and new additions of the existing non-conforming house is 12.7 ft., requiring a 17.3 ft. side yard area variance.

Item # 6. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for Walter and Diane Foote, 126 Center St., SCTM # 1001-4-2-25. The property is located in the R-2 District and is not located in the Historic District. The applicants seek area variances to obtain a building permit to construct an addition to the existing nonconforming dwelling.

Section 150-13 B (2). of the Village of Greenport Code requires that on a corner lot, front yards are required on both street frontages. One yard other than the front yard shall be deemed to be a rear yard and the other or others to be side yards.

Center Street: The proposed front yard setback for the new construction on is 1.7 ft. requiring a 14.30 ft. front yard area variance for the addition of a front porch. The setback calculations are based on Section 150-13D, which reduces the required 30ft. front yard setback to 16 ft. based on the average set back of the two existing dwellings with the greatest setbacks within 200 ft. on each side of said proposed dwelling, on the same side of the street and within the same block and same district.

Section 150-12A. of the Village of Greenport Code requires 30% lot coverage in the R-2 District.

The proposed lot coverage is 34.28% (1,356.0 sq.ft.) requiring a lot coverage variance of 4.28% (169.24 sq. f.t) . The site is 3,954 sq. ft. The existing building coverage is 32.67% (1,292 sq ft.) with the proposed porch being an increase of 1.6% (64 sq. ft.).

Item # 7. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for Elmer Tuthill, 129 Bay Avenue, SCTM # 1001-5-3-1.4. The property is located in the R-2 District and is located in the Historic District. The applicant seeks area variances for a building permit to construct an in ground swimming Pool.

Section 150-7C (3)a. Permitted accessory uses requires the edge of the pool shall be kept a distance of not less than 20 ft. from all property lines, in the R-2 District.



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The proposed swimming pool setback is 10.0 ft. on the east property line, requiring an area variance of 10 ft.

Section 150-7C (3)b. If located within 50 feet of any property line, such pool shall be screened from the view of abutting properties.

The plans submitted have not illustrated any screening from the view of the abutting properties.

Section 150-2 Definitions: Swimming Pool

Any man-made body of water, including any swimming pool, tank, depression or excavation in any material, dike or berm constructed, erected, excavated or maintained which will cause the retention of water to a greater depth than 18 inches and having a plane surface area of water greater than 100 square feet, except as shall hereinafter be excluded. The man-made body of water shall be construed to mean a body of water to be used for swimming or bathing by any family or persons residing on the premises and their guests. Such body of water shall not be operated for gain and shall be located on a rear lot only as an accessory use to the dwellings thereon.

The proposed swimming pool is proposed to be in the front and side yards, requiring a variance.

Item # 8. Discussion and possible action on the application for of SAKD Holdings LLC, Daniel Pennessi, President. The property is located on the south east corner of Front Street and Third Street, Greenport, New York 11944, SCTM # 1001-5-4-5. The Applicant proposes to construct a new, mixed use, three-story building, having an 60 seat restaurant, and 715 sq. ft. of retail use, on the ground floor, and hotel uses for 16 units on the second and third floors, as well as a roof deck. The proposed uses are conditional uses under Greenport Village Code Sections 150-11(b)(1), (2) and (3). The property is located in the WC – Waterfront Commercial District. The property is not located in the Greenport Village Historic District.

Requested Variances

1. The proposed building construction has lot coverage of 3681 sq. ft representing 41.7% of the site, requiring a area variance of 147.3 sq. ft., or 1.6%, of the total area of the lot (8,834.2). Section 150-12B of the Village of Greenport Code requires maximum lot coverage of 40% (3,533.7 sq. ft.) in the WC-Waterfront Commercial district.

2. Variance of 21 spaces from parking space requirement.

In the event that the Zoning Board of Appeals determines in its consideration of the interpretation of the application of the off-street parking requirement requested by the applicant that the project is not exempt from the off-street parking requirement of Section 150-16(A)(1) of the Greenport Village Code, then the applicant requests a variance of the off street parking requirement of Section 150-16(A)(1) of the Greenport Village Code. The proposed mixed use building proposed 11 parking spaces. Section 150-16A.(1) of the Village of Greenport Code requires 32 parking space based on square footage calculations and requirements for hotel occupancy requiring a variance of 21 parking spaces of the parking space requirement of Section 150-16(A)(1) of the Greenport Village Code.

3. Variance from size requirement of the off-street loading berth.

The applicant is requesting a variance of the size requirement for one off-street loading berth in that the proposed building has provided an off-street loading berth as required by Section 150-16B.(e) which requires one berth for each 25,000 sq ft of floor area. Loading berths are required to be 12 ft. wide and 33 ft. in length. The



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proposed berth is 9 ft..wide and 20 ft. in length requiring a variance of 3ft. for the width and 13 ft. for the length.

4. The applicant requests a height variance of 12' where Section 150-12B of the Greenport Village Code limits the height of buildings to 2 stories or 35 feet, and the proposed building height is 47'0", based on the height of the elevator bulkhead located on the roof, requiring a height variance of 12'0".
5. Height variance for third story. A height variance for a three story building where Section 150-12B of the Greenport Village Code limits the height of buildings to "2 stories or 35 ft." and the applicant proposes a three story building in violation of Section 150-12B.

Item # 9. Motion to accept the ZBA minutes of June 14, 2016.

Item # 10. Motion to approve the ZBA minutes for May 17, 2016.

Item # 11. ZBA to schedule site visit times for Items #2 through #7, above.

Item # 12. Motion to schedule the next ZBA meeting for *Tuesday*, August 16, 2016 at 6:00 PM in the Third Street Fire Station Conference Room.

Item # 13. Motion to adjourn.